

In re application of KENNITH SMITH

DEC 30 2002

Serial No. 09/943,533

August 30, 2001

For RUBBER BAND RETAINER APPARATUS

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

Transmitted herewith is a Response to the Office Action in the above-identified application.

- ____ Small entity status of this application is hereby asserted.
- ____ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- X No additional fee is required

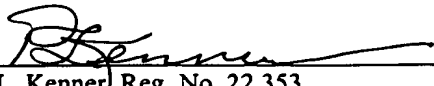
The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col.3)	Small Entity		Or	Other Than A Small Entity	
For:	Claims Remaining After Amendment		Highest No. Previously Paid for	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
Total	19	Minus	20	= 0	x9	\$		x18	\$
Indep	3	Minus	3	= 0	x40	\$		x80	\$
<u>0</u> First Presentation of Mult. Dep. Claims					135	\$		+270	\$
					Total			Total	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ____ Please charge my Deposit Account No.18-0987 in the amount of \$_____. A duplicate copy of this sheet is attached.
- ____ A check in the amount of \$_____ is attached.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.18-0987. A duplicate copy of this sheet is attached.
- X Any filing fees under 37 CFR 1.16 for the presentation of extra claims, in the event sufficient payment is not enclosed.
- X Any patent application processing fees under 37 CFR 1.17.

Date: December 23, 2002


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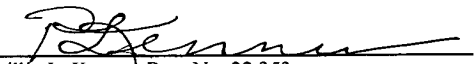
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of
KENNITH SMITH
Serial No. 09/943,533
Filed August 30, 2001
For RUBBER BAND
RETAINER APPARATUS

) Examiner: DINESH MELWANI
)
) Group Art Unit 3677
) Certificate of Mailing
)
) I hereby certify that this Amendment A and Form PTO-1083 were
) deposited with the United States Postal Service as first class mail in
) an envelope addressed to: Box NON-FEE AMENDMENT,
) Commissioner for Patents, Washington, D.C. 20231 on this 23rd day
) of December, 2002.
)
) 
) Phillip L. Kenner, Reg. No. 22,353
)
) Attorney Docket No. ALL.P.US0001
)

AMENDMENT A

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Box NON-FEE AMENDMENT
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Official Action mailed September 24, 2002, Applicant through his attorney, respectfully replies with the following amendments and remarks.

In the Specification:

Amend the following paragraphs as follows. A marked-up version of the paragraphs as amended is attached hereto as Exhibit A.

Amend the paragraph at p. 4, ll. 14-17, to read as follows:

A1

Figure 6 is a sectional view of the retainer, taken substantially along line 6-6 of Fig. 5, with the retainer attached to an end of an elastomeric band, shown in phantom lines, depicting passage of each side of the first end of an elastomeric band through opposed retaining notches formed in the retainer.